

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**EMPLOYERS AND OPERATING ENGINEERS
LOCAL 520 PENSION FUND, et al.,**

Plaintiff,

v.

MAUL EXCAVATING, INC.,

Defendant.

No.09-578-DRH

ORDER

HERNDON, Chief Judge:

Before the Court is a motion for default judgment (Doc. 11) filed by Plaintiff. Plaintiff requests that the Court enter default judgment, presumably pursuant to **FEDERAL RULE OF CIVIL PROCEDURE 55(b)**. The Court, however, notes that Plaintiff's motion for default does not state whether it provided notice of the entry of default and the default judgment motion as required by **LOCAL RULE 55.1(a) & (b)**.¹ In regards to Plaintiff's motion for entry of default judgment (Doc. 11), the Court **ORDERS** Plaintiff to submit a supplement to its motion informing the Court as to whether it has provided the required notice to the defaulted party and the date

¹ **LOCAL RULE 55.1(a)** requires a party to certify to the Court that notice of the entry of default has been sent to the defaulting party. Further, **LOCAL RULE 55.1(b)** requires a party to state in its motion for default judgment that it provided a copy of the motion to the defaulting party by mailing a copy to the defaulting party's last known address. A party is also required to inform the Court that it has mailed a copy of the motion to the defaulting party's attorney, if the filing party knows or reasonably should know the identity of the defaulting party's attorney. *See* **LOCAL RULE 55.1(b)**.

upon which that notice was sent out. The Court **DEFERS** ruling on Plaintiff's motion until such time as it submits the proper notice.

IT IS SO ORDERED.

Signed this 13th day of April, 2010.

/s/ David R. Herndon

**Chief Judge
United States District Court**